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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kazunori YAMAZAKI et al.
Title: COSMETIC COMPOSITION
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Art Unit: 1612
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DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam/Sir:

I, Kinya Hosokawa, a citizen of Japan, residing at c/o Shiseido Research Center, 2-2-1 Hayabuchi Tsuzuki-ku, Yokohama-shi, Kanagawa, Japan, do hereby declare:

1. I am by profession a research chemist. I graduated with a bachelor degree from the Department of Chemical Engineering in the Faculty of Engineering at the Tokyo Institute of Technology in March 1988, from which I also received a Masters degree majoring in Chemical Engineering in Science and Engineering in March 1990.

2. Since April 1990, I have been employed by Shiseido Company, Ltd., the Assignee of the present application, and have been engaged in research focusing mainly on cosmetic

compositions. I am not receiving any additional compensation for preparing this Declaration other than my normal compensation as an employee at Shiseido Company, Ltd.

3. I am one of the co-inventors of the present patent application. I have reviewed and am familiar with the August 11, 2009 Office Action and the references cited therein. I hereby submit this Declaration to supplement the Declaration submitted on May 19, 2009. The data below have also been submitted in the Reply filed on January 12, 2010. I remain of the opinion that the presently claimed invention is patentable over the prior art, particularly in view of the unexpected desirable properties resulting from the invention.

4. The evaluation results provided in Table II of the present Specification and "Table" in the previous May 19, 2009 Declaration were obtained from a 10-member panel based on an objective standard that was established prior to the evaluation. To supplement the evaluation criteria already provided in Table II of the present Specification and Table in the May 19, 2009 Declaration, Table DD1 below provides the underlying number of the members in the 10-member panel that have judged "good" in each of the five respective metrics of evaluation – "Ease of Application", "Stickiness", "Gloss of Lips", "Moisture Feeling" and "Cosmetic Durability." See the columns marked with "*2". The Evaluation Criteria (A, B, ...etc) are described on p. 7 of the present Specification and the results are shown in each respective column marked with "*1", reflecting also the results shown in the respective column *2.

Table DD1. Comparison of evaluation results in different sets of experiments as provided in the present Specification and the May 19, 2009 Declaration.

	Exp. A		Exp. B		Ex. 1		Ex. 2		Comp. Ex. 1		Comp. Ex. 2	
	*1	*2	*1	*2	*1	*2	*1	*2	*1	*2	*1	*2
Ease of Application	B	7	B	7	B	6	B	7	B	6	B	6
Stickiness	B	6	B	6	B	6	B	5	B	6	B	6
Gloss of Lips	B	7	A	9	B	7	A	10	D	0	C	5
Moisture Feeling	B	7	A	10	B	7	A	10	C	4	C	5
Cosmetic Durability	A	9	A+	10	B	7	A	9	C	4	C	4

*1: Evaluation Criteria shown in Table II of the present specification and "Table" in the May 19, 2009 Hosokawa Declaration

*2: The number of the members in the 10-member panel that judged "good" in the evaluations for the five evaluation metrics in Table II of the present specification and "Table" in the Hosokawa 132 Declaration.

5. In sum, the presently claimed compositions provide unexpected superior results over the teachings of the prior art, as shown by the objective results in the above table. Additionally, it is emphasized that while the experimental results described above were obtained from a lipstick embodiment, lipstick was chosen only as an illustrating representative example. One of ordinary skill in the art can appreciate that the described superior results would also be found when the embodiment is in another form of a cosmetic composition. In particular, the embodiment can be any suitable cosmetic embodiment, such as eye shadow cosmetic, hair cosmetic, etc, as described in the present Specification.

* * * * *

6. I declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Feb. 25, 2016
Date

Kinya Hosokawa
Kinya Hosokawa